

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

June 11, 2001

- CO35889 THE PEOPLE v. LEE (Not for Publication)**
The judgment is affirmed.
 NICHOLSON, J.
We concur: Sims, Acting P.J.
 Hull, J.
- CO35931 THE PEOPLE v. VELA (Not for Publication)**
The judgment is affirmed.
 RAYE, J.
We concur: Blease, Acting P.J.
 Morrison, J.
- CO36031 THE PEOPLE v. LEE (Not for Publication)**
The judgment is affirmed.
 RAYE, J.
We concur: Scotland, P.J.
 Sims, J.
- CO36906 THE PEOPLE v. MORO (Not for Publication)**
Defendant's sentence is vacated, and the matter is remanded for the limited purpose of determining whether defendant now appears to be addicted or in imminent danger of becoming addicted to narcotics and, if so, whether his record indicates such a pattern of criminality that he does not constitute a fit subject for treatment. If the sentencing court determines that defendant appears to be addicted or in imminent danger of becoming so and does not have an excluding pattern of criminality, the court shall proceed as provided in Welfare and Institutions Code section 3051. Otherwise, the court shall reinstate the sentence previously imposed. In all other respects, the judgement is affirmed.
 SCOTLAND, P.J.
We concur: Sims, J.
 Raye, J.
- CO32331 MANRIQUEZ v. STATE PERSONNEL BOARD et al. and
DEPARTMENT OF CORRECTIONS et al. (Not for
Publication)**
The judgment upholding the Board's decision and denying the petition for writ of administrative mandamus is affirmed.
 SCOTLAND, P.J.
We concur: Sims, J.
 Kolkey, J.

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June 12, 2001, continued

C036436 THE PEOPLE v. COOK (Not for Publication)

THE COURT:

...Appellant's petition for rehearing is denied.

This modification does not change the judgment.

FOR THE COURT:

Scotland, P.J.

Sims, J.

Davis, J.

June 13, 2001

C031966 THE PEOPLE v. FRASE (Not for Publication)

The judgment is affirmed.

DAVIS, Acting P.J.

We concur: Nicholson, J.

Morrison, J.

C035674 THE PEOPLE v. MEDELLIN (Not for Publication)

The appeal is dismissed.

SCOTLAND, P.J.

We concur: Blease, J.

Sims, J.

C036122 THE PEOPLE v. MARTINEZ (Not for Publication)

The judgment is affirmed.

SCOTLAND, P.J.

We concur: Sims, J.

Raye, J.

C036242 THE PEOPLE v. SANSING (Not for Publication)

The judgment is modified by striking the \$300 restitution fine imposed by the trial court. The \$200 restitution fine originally imposed by the trial court remains in force, and the suspended parole revocation fine is reduced to \$200. As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment in accordance with this disposition and deliver a certified copy of the same to the Department of Corrections.

SIMS, J.

We concur: Scotland, P.J.

Raye, J.

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June 13, 2001, continued

C037093 THE PEOPLE v. DUNIGAN (Not for Publication)
The judgment is modified to impose a \$50 criminal laboratory analysis fee, a \$50 state penalty assessment, and a \$35 county penalty assessment. As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy to the Department of Corrections.

SIMS, J.

We concur: Scotland, P.J.

Raye, J.

C035569 LOPEZ et al. v. JARRETT et al. (Certified for Publication)
BY THE COURT:
The court's order of May 14, 2001, Denying Application for Determination of Good Faith Settlement, is modified in the following respect:

The title of said document is modified to read as follows:

“OPINION ON ORDER DENYING APPLICATION FOR
DETERMINATION OF GOOD FAITH SETTLEMENT.”

This modification does not change the legal effect of the order.

SIMS, Acting P.J.

I concur: Kolkey, J.

C037449 McCOY v. McCOY
BY THE COURT:
Pursuant to the written request of the appellant, the appeal filed January 11, 2001, is dismissed. It is further ordered that the remittitur issue forthwith. (See Cal. Rules of Court, rule 19(b).)
SCOTLAND, P.J.

June 14, 2001

C032483 THE PEOPLE v. MARTSCH (Not for Publication)
The judgment is reversed.
CALLAHAN, J.
We concur: Davis, Acting P.J.
Kolkey, J.

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June 14, 2001, continued

- C033264 THE PEOPLE v. MARTSCH (Not for Publication)**
The judgment is reversed. The cause is remanded to the trial court with directions to vacate its order denying the motion for new trial and issue a new order granting the motion.
CALLAHAN, J.
We concur: Davis, Acting P.J.
 Kolkey, J.
- C034726 THE PEOPLE v. TIBBS (Not for Publication)**
The judgment is affirmed.
CALLAHAN, Acting P.J.
We concur: Hull, J.
 Kolkey, J.
- C036282 THE PEOPLE v. DOUGLAS (Not for Publication)**
The judgment is modified by changing the concurrent term imposed on count three from one year eight months to five years and by striking the personal use of a firearm enhancement attached to count three. As modified, the judgment is affirmed. The trial court shall prepare an amended abstract of judgment reflecting our modifications to the judgment and provide a certified copy of the amended abstract to the Department of Corrections.
SIMS, J.
We concur: Scotland, P.J.
 Raye, J.
- C037400 THE PEOPLE v. CLAWSON (Not for Publication)**
The judgment is affirmed.
SCOTLAND, P.J.
We concur: Sims, J.
 Raye, J.
- C036300 In re TAUSHA R. et al.; SAN JOAQUIN COUNTY HUMAN SERVICES AGENCY v. BRIAN R. (Not for Publication)**
The orders are affirmed.
SIMS, J.
We concur: Scotland, P.J.
 Nicholson, J.
- CO37054 In re GIOVANI T.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. GABRIEL T. (Not for Publication)**
The orders of the juvenile court are affirmed.
DAVIS, J.
We concur: Sims, Acting P.J.
 Hull, J.

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June 14, 2001, continued

- C032009 THE PEOPLE v. RAMSEY (Not for Publication)**
THE COURT:
It is ordered that the opinion filed herein on May 25, 2001, be modified as follows:...
Defendant's petition for rehearing is denied.
There is no change in the judgment.
FOR THE COURT:
Davis, Acting P.J.
Raye, J.
Callahan, J.
- C036901 LEWIS v. KARUK TRIBE et al. (Not for Publication)**
BY THE COURT:
...Plaintiff's appeal is dismissed. Defendants shall recover their costs.
Blease, Acting P.J.
Sims, J.
Raye, J.
- C038526 THE PEOPLE v. MORRIS**
BY THE COURT:
On the court's own motion, the appeal filed June 4, 2001, is dismissed as taken from a nonappealable order.
BLEASE, Acting P.J.
- C038572 In re LAWRENCE DWIGHT SHIELDS on Habeas Corpus**
BY THE COURT:
On the court's own motion, the appeal filed June 5, 2001, is dismissed as taken from a nonappealable order. (See In re Crow (1971) 4 Cal.3d 613, 621, fn. 8.)
BLEASE, Acting P.J.

June 15, 2001

- C033196 THE PEOPLE v. MORTIMER (Not for Publication)**
The judgment is affirmed.
DAVIS, J.
We concur: Blease, Acting P.J.
Callahan, J.
- C033341 THE PEOPLE v. BARNES (Not for Publication)**
The judgment is affirmed.
NICHOLSON, J.
We concur: Davis, Acting P.J.
Morrison, J.

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June 14, 2001, continued

- C035470 THE PEOPLE v. WEIRTON (Not for Publication)**
The judgment is affirmed.
 HULL, J.
We concur: Sims, Acting P.J.
 Nicholson, J.
- C036705 THE PEOPLE v. CARRASCO (Not for Publication)**
The judgment is affirmed.
 HULL, J.
We concur: Raye, Acting P.J.
 Morrison, J.
- C037591 THE PEOPLE v. OSBORN (Not for Publication)**
The judgment is affirmed.
 RAYE, J.
We concur: Davis, Acting P.J.
 Hull, J.
- C037648 THE PEOPLE v. GRAY (Not for Publication)**
The judgment is affirmed.
 SCOTLAND, P.J.
We concur: Morrison, J.
 Callahan, J.
- C032572 MACHADO et al. v. STATE WATER RESOURCES CONTROL BOARD
et al. (Not for Publication)**
The judgment is affirmed.
 HULL, J.
We concur: Sims, Acting P.J.
 Raye, J.
- C034066 FERNANDEZ v. SATTELMAYER, INC. (Not for Publication)**
The judgment is reversed and the matter remanded to the trial court with
directions to vacate the order granting the motion for a directed verdict, to
enter a new order denying the motion as to plaintiff's breach of contract
and negligence claims, and to set the matter for retrial. Plaintiff is entitled
to her costs on appeal.
 HULL, J.
We concur: Blease, Acting P.J.
 Davis, J.

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The Minutes

June 15, 2001, continued

C035688 CRADDOCK et al. v. KMART CORPORATION

(Certified for Publication)

The (amended) judgment is affirmed. The parties shall bear their own costs on the appeal and cross-appeal.

SIMS, J.

I concur: Callahan, J.

I concur in the judgment and in the opinion, except as to the cross appeal. I would uphold the primacy of Civil Code section 1431.2 over Family Code section 783, not by reason of the special over the general rule, but because section 1431.2, as the product of an initiative, is the superior law and prevails thereby over any conflict between it and section 783. (Cf. American Lung. Assn. v. Wilson (1996) 51 Cal.App.4th 743, 752 (Conc. opn. of Blease, Acting P.J., with Scotland, J., conc. therein.) (CERTIFIED FOR PUBLICATION)

Blease, Acting P.J.

C034785 In re ANDREW W.; THE PEOPLE v. ANDREW W.

(Not for Publication)

The finding that the minor violated section 220 is reversed and dismissed. The violation of section 626.10 is reduced to a misdemeanor and the maximum period of confinement for this offense is reduced to four months. The matter is remanded to the juvenile court with directions to amend its records accordingly and to forward a copy thereof to the Director of the California Youth Authority.

HULL, J.

We concur: Davis, Acting P.J.

Raye, J.

**C036949 In re WILLARD C.; SACRAMENTO COUNTY DEPARTMENT OF
HEALTH AND HUMAN SERVICES v. LACHELLE W.**

(Not for Publication)

The order of the juvenile court is affirmed.

HULL, J.

We concur: Sims, Acting P.J.

Callahan, J.

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The Minutes

June 15, 2001, continued

**C037294 In re RIVER C.; DEPARTMENT OF HEALTH AND HUMAN SERVICES
v. LORI H.**

BY THE COURT:

Respondent's motion to dismiss the appeal is granted and the appeal filed December 18, 2000, is dismissed as from a non-appealable order. (See In re Sheila B. (1993) 19 Cal.App.4th 187, 196.) In all other respects respondent's motion to dismiss is denied as moot.

It is further ordered that respondent's request of June 15, 2001, for an extension of time is denied as moot.

BLEASE, Acting P.J.